

REMARKS

This Application has been carefully reviewed in light of the Official Action mailed February 26, 2003 (the "Office Action"). In order to advance the prosecution of this Application, Applicants have responded to each issue raised by the Office Action. Applicants respectfully request reconsideration and favorable action in this case.

Finality of the Office Action

Applicants respectfully submit that the Office Action was prematurely issued as a "Final" Office Action. The Office Action included new grounds of rejection for Claims 51-55, and none of those claims were amended to include further limitations in Applicants' previous response. For example, the Office Action states that Claims 51 and 54 are rejected "for the combination of reasons for claim 1, 11, and 20 with claims 7, 16, 26, 37, and 47." See Office Action, page 9. Claims 1, 11 and 20 and Claims 7, 16, 26, 37 and 47 were rejected as being unpatentable over U.S. Patent No. 5,825,506 issued to Bednar et al. ("Bednar") and U.S. Patent No. 5,790,260 issued to Myers ("Myers"). However, Bednar was not used to reject claims in the previous Office Action mailed September 5, 2002. Moreover, neither of Claims 51 and 54 were amended in Applicants' previous response. Similarly, Claims 52, 53 and 55 were also rejected based on new grounds in light of *Bednar*, and none of such claims were amended in Applicants' previous response. Thus, Applicants submit that the Office Action should not have been issued as a "Final" Office Action and respectfully request that the finality of the Office Action be withdrawn.

Section 102 Rejections

The Examiner rejects Claims 1-2, 11, 20-21, 31-32 and 41-42 under 35 U.S.C. § 102(b) as being anticipated by *Bednar*. Applicants respectfully traverse these rejections and all findings therein for at least the reasons discussed below.

Claim 1 recites a method for communicating between a check processing system and a non-compatible check sorter, which includes:

accessing a MICR buffer for the check sorter, the MICR buffer comprising MICR data retrieved from a check;  
generating process buffer data based on the MICR buffer, the process buffer data standardized for a plurality of disparate types of check sorters;

receiving a plurality of feature instructions for the check based on the process buffer data; and  
communicating the feature instructions to the check sorter for processing of the check.

*Bednar* fails to disclose, teach or suggest all elements of Claim 1. *Bednar* discloses a document processing system whereby images are captured and stored at a remote site while codeline data is captured by the document processor and transmitted to a central location where financial records are kept. *See Bednar*, col. 2, lines 20-25.

The Office Action states that *Bednar* "does not teach that a sorter is noncompatible with the check operating system nor is the operating database 'processing buffer' standardized for different types of sorters." *See* Office Action, page 4. The Office Action then states that this is inherent in *Bednar* because *Bednar* discloses software "to keep the information synchronized 'compatible' from the sorter to the operating system." *See id.* The Office Action states, "[i]nherently if the sorter is different 'non-compatible' from the check operating system there must be a method to make them compatible as well as the information from the sorter database 'MICR buffer' with the operating system database 'processing buffer.'" *See id.* Applicants respectfully disagree.

Nothing in *Bednar* suggests that a "non-compatible" document reader 73 may be used with check system 64. Furthermore, nothing in *Bednar* discloses "process buffer data standardized for a plurality of disparate types of check sorters." The synchronization software of *Bednar* "allows the inline synchronization of image capture information with the codeline information being provided by document reader 73 and transmitted to check system 64." *See Bednar*, col. 4, lines 36-39. Its purpose is "to make sure that the codelines and the images remain in synchronization." *See id.*, col. 4, lines 42-43. For example, in the event of a document jam or other system stoppage, the synchronization software "allows the system to be restarted without loss of information or synchronization, or with a minimum of reprocessing of documents." *See id.* at col. 4, lines 61-65. Thus, the synchronization software merely ensures accurate timing between codeline information and images for a particular document. The synchronization software does not enable a non-compatible document reader to be used with check system 64.

Moreover, the Office Action's suggestion that the operating database of *Bednar* is standardized for different types of sorters as a result of the synchronization software is inaccurate. As illustrated in Figure 3 of *Bednar*, the synchronization software 67 is linked to RIC controller 75 running image capture software which stores image information from a document on a document image database. *See Bednar*, Figure 3 and col. 3 line 65 to col. 4, line 2. However, the codeline reader 73, which reads MICR codeline data, of remote site 70 is directly linked to document codeline data database of central site 60 through check system 64 without linkage to or through the synchronization software. Thus, the synchronization software provides synchronization for the image information between the remote site and check system and not for the MICR codeline data between the codeline reader and the document codeline (or MICR) database of check system 64. The Office Action also indicates that direct connection between two components wherein information is passed between the components signifies that the components are compatible with each other. *See* Office Action, pages 4-5. This is the case with respect to the codeline reader 73 of remote site 70 and the check system 64 of central site 60 of Figure 3, which communicate MICR codeline data, despite having synchronization software to control the timing of image information between RIC controller 75 and check system 64.

Therefore, for at least these reasons, *Bednar* fails to disclose, teach or suggest Claim 1. Applicants respectfully request withdrawal of the rejection and full allowance of Claim 1.

Claim 11 recites generating a "processes buffer data standardized for a plurality of disparate types of check sorters" Claim 20 recites "process buffer data standardized for a plurality of disparate types of check sorters" Claims 31 and 41 recite logic operable to generate "process buffer data standardized for a plurality of disparate types of check sorters" As discussed above with respect to Claim 1, *Bednar* fails to disclose, teach or suggest at least these elements of Claims 11, 20, 31 and 41. Applicants therefore respectfully request withdrawal of the rejections and full allowance of Claims 11, 20, 31 and 41.

### Section 103 Rejections

The Examiner rejects Claims 3-10, 12-19, 22-30, 33-40 and 43-50 under 35 U.S.C. § 103(a) as being unpatentable over *Bednar* and *Myers*. Applicants respectfully traverse these

rejections and all findings therein for at least the reasons discussed below.

Each of Claims 3-10, 12-19, 22-30, 33-40 and 43-50 depends from one of Claims 1, 11, 20, 31 and 41. Therefore, for at least the reasons discussed above with respect to Claims 1, 11, 20, 31 and 41, the proposed *Bednar-Myers* combination fails to disclose, teach or suggest each element of Claims 3-10, 12-19, 22-30, 33-40 and 43-50. Applicants therefore respectfully request withdrawal of the rejections and full allowance of Claims 3-10, 12-19, 22-30, 33-40 and 43-50.

Claim 51 recites "a controller responsive to instructions based on the check information" wherein the check information is read by a MICR reader. The Office Action suggests that check operating system 64 of *Bednar* "contains the instructions for the information in the database and the instructions for the control of the sorters." See Office Action, page 3. However, *Bednar* merely discloses controlling the remote sorters with check operating system 64 "including passing control signals to start and stop the operation." For at least this reason, Applicants respectfully request withdrawal of the rejection and full allowance of Claim 51 and Claims 52-53 depending from Claim 51.

Claim 54 recites "determining an imaging option based on the check information, the imaging options comprising no image, a front image, a back image, and a front and back image" and "selectively imaging the check based on the imaging option." The proposed *Bednar-Myers* combination fails to teach or suggest these elements. It is not obvious to modify *Myers* so that an imaging option represents "no image." *Myers* teaches creating a digitized image of a check to so that the digital image can be included in a customer statement. See *Myers*, col. 6, lines 4-11. The digital image is created so that the customer statements can be generated without having to resort the checks or use the microfilmed images to generate the customer statements. It would not be obvious to generate "no image" of a check because that would render *Myers* unsuitable for its intended purpose.

For at least these reasons, the proposed *Bednar-Myers* combination fails to disclose, teach or suggest Claim 54. Applicant respectfully requests withdrawal of the rejection and full allowance of Claim 54, and Claim 55 depending from Claim 54.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending Claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicant hereby requests a telephone conference with the Examiner and further requests that the Examiner contact the undersigned attorney to schedule the telephone conference.

Applicant does not believe that any fees are due. The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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